

Remarks/Arguments:

The Restriction Requirement requires an election between:

Group I, claims 1-5 and 10, drawn to a getter;

Group II, claims 6-7, 11, and 12, drawn to a method of forming a solid particle;
and

Group III, claim 8, drawn to an electrical, electronic, or optoelectric apparatus.

In response, the Applicants have added claims 13-26 directed to a method for gettering oxygen in a sealed electrical, electronic or optoelectronic apparatus. The specification supports the newly-added claims. For example, claim 13 is supported by claims 1 and 10 as originally filed as well as at page 1, lines 2-5; at page 1, line 27 through page 2, line 4; at page 2, line 16; and at page 2, lines 34 and 35. Claim 14 is supported at page 2, line 28 and by claim 4 as originally filed. Claim 15 is supported at page 1, line 31 and page 2, line 1. Claims 16 and 17 are supported by the paragraph beginning at page 2, line 28. Claims 18-22 are supported by the paragraph beginning at page 2, line 34. Claims 23 and 24 are supported by the paragraph beginning at page 3, line 8. Claim 25 is supported at page 2, lines 14-16. Finally, claims 26 is supported at page 1, lines 3 and 4.

To the extent that the Examiner believes that the newly-added claims present a fourth group of claims (i.e., "Group IV") separate and distinct from all of the other claims, then the Applicants elect with traverse the claims of Group IV and request that the Examiner confirm that the claims of Group IV are subject to a restriction from the claims of Groups I-III. In the event that the Examiner concludes that any of the claims of Groups I-III may be considered along with the claims of Group IV (i.e., any of Groups I-III need not be restricted from Group IV), then the Applicants respectfully request that the Examiner indicate this conclusion and identify which claims may be considered along with the claims of Group IV. While claims 2-5, 7, 10, and 12 have been cancelled for expediency, they will be brought back in should the Examiner indicate that they may be considered along with the claims of Group IV.

In any event, the Applicants elect the claims of Group IV with traverse and preserve the right of rejoinder, as specified in the Restriction Requirement. In addition, the Applicants note that EP 0775018 was relied upon to show that a technical feature common to the previously pending claims was not, in fact, a special technical feature. The Applicants reserve the right to

argue that the claims are patentable over EP 0775018 in the event that a prior art rejection relying upon this patent is made.

In addition, the Applicants have amended claim 8 to become independent and include the features recited in elected claim 13. Accordingly, the Applicants request that amended claim 8 be considered along with claims 13-26. The Applicants contend that claim 8 shares a special technical feature in common with claim 13. In any event, the Applicants reserve the right to rejoin claim 8 should claim 13 be deemed allowable.

In conclusion, the Applicants respectfully request examination on the merits of at least claims 13-26 and request clarification of the Restriction Requirement in view of these newly-added claims.

Respectfully submitted,



Christopher R. Lewis, Reg. No. 36,201
Attorney for Applicants

CRL/lrb

Dated: December 1, 2008

P.O. Box 980
Valley Forge, PA 19482-0980
(610) 407-0700

The Commissioner for Patents is hereby
authorized to charge payment to Deposit
Account No. 18-0350 of any fees associated
with this communication.

LRB_1:\JMYS\118US\PREAMEND01.DOC